

Application No.: 10/788,994  
 Attorney Docket No.: 20712-0073

### E.) REMARKS

This Response is filed in response to the Office Action dated April 13, 2005.

Upon entry of this Response, claims 1-34 will be pending in the Application.

In the outstanding Office Action, the Examiner rejected claims 1-6, 10-12, 19-24, 27-29 and 30 under 35 U.S.C. 102(b) as being anticipated by Inaba et al. (U.S. Patent No. 4,877,388); rejected claims 7, 8 and 25 under 35 U.S.C. § 103(a) as being unpatentable over Inaba et al. (U.S. Patent No. 4,877,388) in view of Kobayashi et al. (G.B. Publication No. 2 264 204); rejected claim 9 under 35 U.S.C. § 103(a) as being unpatentable over Inaba et al. (U.S. Patent No. 4,877,388) in view of Sood (U.S. Patent No. 5,235,504); rejected claims 10 and 26 under 35 U.S.C. § 103(a) as being unpatentable over Inaba et al. (U.S. Patent No. 4,877,388) in view of Japanese Publication No. 60-102878; rejected claims 13-18 under 35 U.S.C. § 103(a) as being unpatentable over Inaba et al. (U.S. Patent No. 4,877,388) in view of Beaverson et al. (U.S. Patent No. 5,894,736); rejected claims 31 and 32 under 35 U.S.C. § 103(a) as being unpatentable over Inaba et al. (U.S. Patent No. 4,877,388) in view of Rose (U.S. Patent No. 2,442,021); and rejected claims 31-34 under 35 U.S.C. § 103(a) as being unpatentable over Inaba et al. (U.S. Patent No. 4,877,388) in view of Kumar (U.S. Patent No. 5,896,021).

#### Rejection under 35 U.S.C. 102

The Examiner rejected claims 1-6, 10-12, 19-24, and 27-30 under 35 U.S.C. 102(b) as being anticipated by Inaba et al. (U.S. Patent No. 4,877,388), hereinafter referred to as "Inaba."

Specifically, the Examiner stated that

Regarding Claims 1, 10 and 19, Inaba discloses a converter stage (Figure 3 item 10) to convert an AC voltage to a DC voltage, the converter stage being configured to be electrically connectable to an AC power source (Figure 3 item E); a DC link stage (Figure 3 item C) to filter and store energy from the converter stage, the DC link stage being electrically connected to the converter stage; an inverter stage (Figure 3 items 11

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and 11') comprising a plurality of inverters electrically connected in parallel to the DC link stage, each inverter of the plurality of inverters being configured to convert a DC voltage to an AC voltage to power a corresponding load, and the control circuit (Figure 3 item 12) controls each inverter of the plurality of inverters being configured to operate substantially independently of other inverters of the plurality of inverters. Refer to column 3 lines 1-68 and column 4 lines 1-34.

Applicants respectfully traverse the rejection of claims 1-6, 10-12, 19-24, and 27-30 under 35 U.S.C. 102(b).

Inaba, as understood, is directed to a mold clamping apparatus for use in an injection molding machine having a plurality of servomotors for drivingly rotating a ball screw as a spindle. The servomotors are driven in synchronism so as to produce the same torque by means of driving circuits, which respond to the same torque command generated in accordance with a signal representative of a rotational position of one of the servomotors. A control unit is provided, which has a control circuit responsive to a position/speed signal associated with one of the motors, and two motor driving circuits for the motors. The control unit is arranged to deliver the same drive current command from its control circuit to both of the motor drive circuits.

In contrast, independent claim 1 recites a variable speed drive comprising: a converter stage to convert an AC voltage to a DC voltage, the converter stage being configured to be electrically connectable to an AC power source; a DC link stage to filter and store energy from the converter stage, the DC link stage being electrically connected to the converter stage; and an inverter stage comprising a plurality of inverters electrically connected in parallel to the DC link stage, each inverter of the plurality of inverters being configured to convert a DC voltage to an AC voltage to power a corresponding load, and each inverter of the plurality of inverters being configured to operate substantially independently of other inverters of the plurality of inverters.

Independent claim 19 recites a variable speed drive for a chiller system having a plurality of compressors, the variable speed drive comprising: a converter section to convert an AC voltage to a DC voltage, the converter section being configured to be electrically connectable to an AC power source; a DC link section to filter and store energy from the converter section, the DC link section having a DC bus being electrically connected to the converter section; and an inverter section comprising a plurality of inverters electrically connected in parallel to the DC

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link section, each inverter of the plurality of inverters being configured to convert a DC voltage to an AC voltage to power a corresponding compressor motor, and each inverter of the plurality of inverters being configured to operate substantially independently of other inverters of the plurality of inverters.

The examiner is reminded that "[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987)." See Manual of Patent Examining Procedure, 8<sup>th</sup> Edition (MPEP), Section 2131.

In addition, "[t]he identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989)." See MPEP, Section 2131.

Several of the features recited by Applicant in independent claims 1 and 19 are not taught or suggested by Inaba. Inaba does not teach or suggest that each inverter of the plurality of inverters is configured to operate substantially independently of other inverters of the plurality of inverters as recited by Applicant in independent claims 1 and 19. In Inaba, the driving circuits are controlled such that both motors always operate at the same time, at the same speed, and deliver the same torque. See e.g., Inaba col. 2, line 57-68; col. 3, lines 22-47; and col. 3 line 62 to col. 4, line 3. Specifically, the motors "are driven in synchronism with each other so as to produce the same torque." See Inaba col. 3, lines 47-49. The requirement of synchronous operation of the motors in Inaba, which requires joint or common control of the driving circuits in Inaba, precludes Inaba from providing any teaching or suggestion that the driving circuits in Inaba can be operated substantially independently as recited by Applicant in independent claims 1 and 19.

Furthermore, the control unit in Inaba is "arranged to deliver the same drive current command from its control circuit to both of the motor drive circuits." See Inaba col. 2, lines 66-68. Specifically, Inaba states at column 3, line 52 to column 4, line 1 that

In operation, when the speed command value  $V_0$  from the host control unit such as an NC, is applied to the transistor PWM control circuit 12, the circuit 12 compares the speed command value  $V_0$  with the present speed  $S$  detected by

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the position detector P. In accordance with the difference between the value  $V_o$  and the speed S, the control circuit 12 delivers the PWM signals PA to PF, and causes the transistor inverters 11 and 11' to drive the servomotors M1 and M2, so as to control the motor speeds to a command speed. At this time, the transistors associated with the corresponding phases of the transistor inverters 11, 11', serving to control the currents flowing through the windings of the individual phases of the servomotors M1 and M2, are turned on or off in accordance with the same PWM signal, so that one and the same current flows synchronously through the windings of each phase of the servomotors M1 and M2. [Emphasis added.]

This teaching of the use of the same PWM signal in Inaba is further expanded on in Figure 3, which shows only one (1) corresponding output line (PA-PF) from the PWM control circuit that is provided to corresponding transistors of each of the driving circuits. The use of the same control signal in each of the driving circuits in Inaba and the fact that one of the driving circuit is controlled based on readings from the motor controlled by the other driving circuit, again preclude Inaba from providing any teaching or suggestion that the driving circuits in Inaba can be operated substantially independently as recited by Applicant in independent claims 1 and 19. In addition, in the present invention each of the inverters receives its own set of control signals from the control system to provide substantially independent operation of each inverter. See Application, Figure 4B. Thus, since Inaba does not teach or suggest all of the limitations recited in independent claims 1 and 19, Applicant respectfully submits that Inaba does not anticipate Applicant's invention as recited in independent claims 1 and 19.

Therefore, for the reasons given above, independent claims 1 and 19 are believed to be distinguishable from Inaba and therefore are not anticipated nor rendered obvious by Inaba.

Dependent claims 2-6, 10-12, 20-24, and 27-30 are believed to be allowable as depending from what are believed to be allowable independent claims 1 and 19 for the reasons given above. In addition, claims 2-6, 10-12, 20-24, and 27-30 recite further limitations that distinguish over the applied art. Some examples are provided below.

Claims 2 and 20 recite that the control system controls both the converter and the inverter. Inaba utilizes an uncontrolled diode rectifier for the converter and as such cannot teach or suggest a control system to control the converter stage as recited by Applicant in claims 2 and

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20. The Examiner is requested to specifically identify the passage(s) in Inaba that shows controlling the converter with a control system.

Claims 5, 6, 23 and 24 recite that the control system individually controls each inverter and the control system provides a set of control instructions to each inverter. As discussed above, Inaba provides the same control signal to each driving circuit and as such cannot teach or suggest a control system that individually controls each inverter and provides a set of control instructions to each inverter as recited by Applicant in claims 5, 6, 23 and 24. The Examiner is requested to specifically identify the passage(s) in Inaba that shows a control system individually controlling each inverter and providing a set of control instructions to each inverter.

Claim 10 recites that each inverter of the plurality of inverters comprises wire bonds. Inaba does not provide any discussion of wire bonds and as such cannot teach or suggest wire bonds as recited by Applicant in claim 10. The Examiner is requested to specifically identify the passage(s) in Inaba that shows the driving circuits using wire bonds.

Claim 12 recites that each inverter of the plurality of inverters is configured to provide a voltage and frequency to a corresponding load greater than a rated voltage and frequency of the corresponding load. Inaba does not provide any discussion of the voltage and frequency output by the driving circuits, other than the need to provide the same torque out of each motor, and as such cannot teach or suggest each inverter of the plurality of inverters is configured to provide a voltage and frequency to a corresponding load greater than a rated voltage and frequency of the corresponding load as recited by Applicant in claim 12. The Examiner is requested to specifically identify the passage(s) in Inaba that shows a driving circuit configured to provide a voltage and frequency to a corresponding load greater than a rated voltage and frequency of the corresponding load.

In conclusion, it is respectfully submitted that claims 1-6, 10-12, 19-24, and 27-30 are not anticipated nor rendered obvious by Inaba and are therefore allowable.

**Rejection under 35 U.S.C. 103**

**A. Rejection of claims 7, 8 and 25**

The Examiner rejected claims 7, 8 and 25 under 35 U.S.C. § 103(a) as being unpatentable over Inaba in view of Kobayashi et al. (G.B. Publication No. 2 264 204), hereafter referred to as

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"Kobayashi." Applicant notes that Kobayashi was not listed on the Notice of References Cited provided by the Examiner and requests that the Examiner list Kobayashi on a Notice of References Cited form to indicate the Examiner's consideration of the reference.

Applicants respectfully traverse the rejection of claims 7, 8 and 25 under 35 U.S.C. § 103(a).

Inaba is directed to a mold clamping apparatus for use in an injection molding machine having a plurality of servomotors for synchronously drivingly rotating a ball screw as a spindle as discussed in greater detail above.

Kobayashi, as understood, is directed to a DC welding apparatus having parallel inverters. Kobayashi discloses the use of an uncontrolled diode rectifier for the converter, e.g., rectifying diode stacks 62a through 62d. See e.g. Kobayashi, Figure 7 and page 16, second paragraph.

To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). "All words in a claim must be considered in judging the patentability of that claim against the prior art." *In re Wilson*, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970). If an independent claim is nonobvious under 35 U.S.C. 103, then any claim depending therefrom is nonobvious. *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988).

See MPEP, Section 2143.03.

Applicant submits that dependent claims 7, 8 and 25 are distinguishable from Inaba and/or Kobayashi for at least the following reasons. To begin, dependent claims 7, 8 and 25 are believed to be distinguishable from Inaba and/or Kobayashi as depending from what are believed to be allowable independent claims 1 and 19 as discussed above. Furthermore, there is nothing in Kobayashi that teaches or suggests any of the limitations in independent claims 1 and 19 not taught or suggested by Inaba.

In addition, several of the features recited by Applicant in claims 7, 8 and 25 are not taught or suggested by Inaba and/or Kobayashi. First, Inaba and/or Kobayashi do not teach or suggest the converter stage is configured in a rectifier arrangement having electronic switches that are switchable only to an on position, the converter stage is configured in a converter arrangement having electronic switches that are switchable to an on position and an off position

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or the converter section comprises at least one silicon controlled rectifier as recited by Applicant in claims 7, 8 and 25. As discussed above, both Inaba and Kobayashi discuss the use of non-controlled diodes in their respective converters. The Examiner is asked to specifically identify the passage(s) in either Inaba or Kobayashi that teaches or suggests the limitations recited in claims 7, 8 and 25.

Applicant respectfully submits that the Examiner has improperly combined Inaba and Kobayashi. The Examiner has provided no teaching or suggestion in Inaba that would indicate the desirability of incorporating into Inaba the circuitry of Kobayashi, nor has the Examiner cited any passage in Kobayashi that would indicate that the circuitry can be used with the driving circuits of Inaba. The Examiner makes a statement that it would be advantageous to provide a plurality of general purpose motors, each coupled to a load apparatus, so as to drive the load more efficiently by means of a plurality of motors. However, the Examiner provides no support for this conclusion in either Inaba or Kobayashi. Thus, Applicant respectfully submits that the Examiner has reached his conclusion based on the teachings in Applicant's specification, which is impermissible hindsight reasoning by the Examiner.

Furthermore, "[t]he mere fact that references can be combined or modified does not render the resultant combination obvious unless the prior art suggests the desirability of the combination." See Manual of Patent Examining Procedure, 8<sup>th</sup> Edition (MPEP), Section 2143.01.

Therefore, in view of the above, dependent claims 7, 8 and 25 are believed to be distinguishable from Inaba and/or Kobayashi and therefore are not anticipated nor rendered obvious by Inaba and/or Kobayashi. In conclusion, it is respectfully submitted that claims 7, 8 and 25 are not anticipated nor rendered obvious by Inaba and/or Kobayashi and are therefore allowable.

#### **B. Rejection of claim 9**

The Examiner rejected claim 9 under 35 U.S.C. § 103(a) as being unpatentable over Inaba in view of Sood (U.S. Patent No. 5,235,504), hereafter referred to as "Sood."

Applicants respectfully traverse the rejection of claim 9 under 35 U.S.C. § 103(a).

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Inaba is directed to a mold clamping apparatus for use in an injection molding machine having a plurality of servomotors for synchronously drivingly rotating a ball screw as a spindle as discussed in greater detail above.

Sood, as understood, is directed to a single phase buck/boost converter that operates in the buck mode for one portion of the input line voltage cycle and in the boost configuration for the remaining portion of the input line voltage cycle in order to provide a DC output voltage from the single phase source. The buck and boost sections operate on a time-sharing basis to provide high power factor and nearly full conduction.

Applicant submits that dependent claim 9 is distinguishable from Inaba and/or Sood for at least the following reasons. To begin, dependent claim 9 is believed to be distinguishable from Inaba and/or Sood as depending from what are believed to be an allowable independent claim 1 as discussed above. Furthermore, there is nothing in Sood that teaches or suggests any of the limitations in independent claim 1 not taught or suggested by Inaba.

Therefore, in view of the above, dependent claim 9 is believed to be distinguishable from Inaba and/or Sood and therefore are not anticipated nor rendered obvious by Inaba and/or Sood. In addition, claim 9 recites further limitations that distinguish over the applied art. In conclusion, it is respectfully submitted that claim 9 is not anticipated nor rendered obvious by Inaba and/or Sood and is therefore allowable.

### **C. Rejection of claims 10 and 26**

The Examiner rejected claims 10 and 26 under 35 U.S.C. § 103(a) as being unpatentable over Inaba in view of Japanese Publication No. 60-102878, hereafter referred to as "the Japanese Publication."

Applicants respectfully traverse the rejection of claims 10 and 26 under 35 U.S.C. § 103(a).

Inaba is directed to a mold clamping apparatus for use in an injection molding machine having a plurality of servomotors for synchronously drivingly rotating a ball screw as a spindle as discussed in greater detail above.

The Japanese Publication, as understood, is directed to parallel redundant synchronous inverters to drive a single load, so that in the case of a malfunction in one inverter a switch is



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opened and the one of the remaining inverters drives the load. The Japanese Publication discloses separate switches, which must carry the full current of the motor and does not discuss operation with a malfunctioning motor but is concerned rather with a malfunctioning inverter.

Applicant submits that dependent claims 10 and 26 are distinguishable from Inaba and/or the Japanese Publication for at least the following reasons. To begin, dependent claims 10 and 26 are believed to be distinguishable from Inaba and/or the Japanese Publication as depending from what are believed to be allowable independent claims 1 and 19 as discussed above. Furthermore, there is nothing in the Japanese Publication that teaches or suggests any of the limitations in independent claims 1 and 19 not taught or suggested by Inaba.

Therefore, in view of the above, dependent claims 10 and 26 are believed to be distinguishable from Inaba and/or the Japanese Publication and therefore are not anticipated nor rendered obvious by Inaba and/or the Japanese Publication. In addition, claims 10 and 26 recite further limitations that distinguish over the applied art. In conclusion, it is respectfully submitted that claims 10 and 26 are not anticipated nor rendered obvious by Inaba and/or the Japanese Publication and are therefore allowable.

#### **D. Rejection of claims 13-18**

The Examiner rejected claims 13-18 under 35 U.S.C. § 103(a) as being unpatentable over Inaba in view of Beaverson et al. (U.S. Patent No. 5,894,736), hereafter referred to as "Beaverson."

Specifically, the Examiner stated that

Regarding Claims 13 and 14, Inaba discloses a converter stage (Figure 3 item 10) to convert an AC voltage to a DC voltage, the converter stage being configured to be electrically connectable to an AC power source (Figure 3 item E); a DC link stage (Figure 3 item C) to filter and store energy from the converter stage, the DC link stage being electrically connected to the converter stage; an inverter stage (Figure 3 items 11 and 11') comprising a plurality of inverters electrically connected in parallel to the DC link stage, each inverter of the plurality of inverters being configured to convert a DC voltage to an AC voltage to power a corresponding load, and the control circuit (Figure 3 item

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12) controls each inverter of the plurality of inverters being configured to operate substantially independently of other inverters of the plurality of inverters. Refer to column 3 lines 1-68 and column 4 lines 1-34. However Inaba does not disclose a refrigerant circuit, the refrigerant circuit comprising a first compressor driven by a motor, a condenser arrangement and a evaporator arrangement connected in a closed refrigerant loop.

Beaverson discloses a method and apparatus for detecting surge in centrifugal compressors which includes a refrigerant circuit (Figure 1) comprising a compressor (Figure 1 item 12) driven by a motor (Figure 1 item 20), a condenser arrangement (Figure 1 item 14) and a evaporator arrangement (Figure 1 item 18) connected in a closed refrigerant loop.

Applicant should refer to M.P.E.P. 2144.04[12-1] Section VI under duplication of parts where in *In re Harza*, 274 F.2d 669, 124 USPO 378 (CCPA 1960) (Claims at issue were directed to a water-tight masonry structure wherein a water seal of flexible material fills the joints which form between adjacent pours of concrete. The claimed water seal has a "web" which lies in the joint, and a plurality of "ribs" projecting outwardly from each side of the web into one of the adjacent concrete slabs. The prior art disclosed a flexible water stop for preventing passage of water between masses of concrete in the shape of a plus sign (+). Although the reference did not disclose a plurality of ribs, the court held that mere duplication of parts has no patentable significance unless a new and unexpected result is produced.). In this case, the refrigerant circuit is duplicated to meet the needs of the inventor and invention. The duplication of parts has no patentable significance unless a new and unexpected result is produced in the case.

It would have been obvious to one of ordinary skill in the art at the time of invention to use Inaba's invention with Beaverson's a method and apparatus for detecting surge in centrifugal compressors. The advantage of combining the two would provide a system with an improved means for surge detection in refrigeration systems having a centrifugal compressor driven by an electric motor.

Applicants respectfully traverse the rejection of claims 13-18 under 35 U.S.C. § 103(a).

Inaba is directed to a mold clamping apparatus for use in an injection molding machine having a plurality of servomotors for synchronously drivingly rotating a ball screw as a spindle as discussed in greater detail above.

Beaverson, as understood, is directed to a method for detecting surge in centrifugal compressor applications.

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In contrast, independent claim 13 recites a chiller system comprising: a first refrigerant circuit, the first refrigerant circuit comprising a first compressor driven by a first motor, a first condenser arrangement and a first evaporator arrangement connected in a closed refrigerant loop; a second refrigerant circuit, the second refrigerant circuit comprising a second compressor driven by a second motor, a second condenser arrangement and a second evaporator arrangement connected in a closed refrigerant loop; and a variable speed drive comprising: a converter stage to convert an AC voltage to a DC voltage, the converter stage being configured to be electrically connectable to an AC power source; a DC link stage to filter and store energy from the converter stage, the DC link stage being electrically connected to the converter stage; and an inverter stage comprising a first inverter and a second inverter each electrically connected in parallel to the DC link stage, the first inverter being configured to convert a DC voltage to an AC voltage to power the first motor, the second inverter being configured to convert a DC voltage to an AC voltage to power the second motor, and the first inverter being configured to operate substantially independently of the second inverter.

To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). "All words in a claim must be considered in judging the patentability of that claim against the prior art." *In re Wilson*, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970). If an independent claim is nonobvious under 35 U.S.C. 103, then any claim depending therefrom is nonobvious. *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988).

See MPEP, Section 2143.03.

Several of the features recited by Applicant in independent claim 13 are not taught or suggested by Inaba and/or Beaverson. First, Inaba does not teach or suggest a variable speed drive with the first inverter being configured to operate substantially independently of the second inverter as recited by Applicant in independent claim 13. The Examiner is referred to the above detailed discussion of Inaba with regard to independent claims 1 and 19 as to why Inaba does not teach or suggest this limitation. Furthermore, there is nothing in Beaverson that teaches or suggests a variable speed drive with the first inverter being configured to operate substantially independently of the second inverter as recited by Applicant in independent claim 13.

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Next, Applicant respectfully submits that the Examiner has improperly combined Inaba and Beaverson and the Examiner's logic regarding the duplication of parts. To begin, the Examiner asserts that based on the MPEP, Section 2144.04[VI], the Applicant's recitation of a second refrigerant circuit (comprising a second compressor driven by a second motor, a second condenser arrangement and a second evaporator arrangement connected in a closed refrigerant loop) "is duplicated to meet the needs of the inventor and invention." The Examiner goes on to state that the "duplication of parts has no patentable significance unless a new and unexpected result is produced in the case." In this case, the Examiner's reliance on Section 2144.04[VI] appears to be misplaced. MPEP Section 2144.04 explicitly states that "if the facts in a prior legal decision are sufficiently similar to those in an application under examination, the examiner may use the rationale used by the court." In the outstanding Office Action, the case cited by the Examiner (*In re Harza*) shows that a recited limitation of a plurality of ribs can be obvious in view of a reference that presumably has only one rib in the shape of a plus sign. However, in claim 13, Applicant has not a recited a plurality of anything nor has Applicant "duplicated a part," but in fact Applicant has recited two discrete items, i.e., refrigerant circuits each having distinct components, thus the reasoning of the case cited by the Examiner is not applicable to independent claim 13 and cannot be used to support the Examiner's position. This is further supported by the fact that the first refrigerant circuit and the second refrigerant circuit do not require the same equipment. For example, the first compressor and the second compressor recited in independent claim 13 can have different capacities and can even be different types of compressors.

Next, even assuming for argument purpose only that the Examiner's reasoning regarding the duplication of the refrigerant circuit is correct, the Examiner has still improperly combined Inaba and Beaverson. The Examiner has provided no teaching or suggestion in Inaba that would indicate the desirability of incorporating into Inaba the refrigerant circuit of Beaverson, nor has the Examiner cited any passage in Beaverson that would indicate that the refrigerant circuit can be used with the driving circuit of Inaba. The Examiner makes a statement that it would be advantageous to combine the references to provide a system with an improved means of surge detection in centrifugal compressors driven by an electric motor. However, this motivation is

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inappropriate because independent claim 13 is not limited to centrifugal compressors and in fact may incorporate one of several different types of compressors. Thus, since Applicant's recited limitation may not be directed to a centrifugal compressor, there would be no motivation to combine to address a problem that would not be present, i.e., a surge condition. One skilled in the art would not implement a surge detection process for a system that would not experience a surge condition.

Furthermore, making additional assumptions for argument purposes only that Inaba and Beaverson can be combined, the combination proposed by the Examiner still does not read on all of Applicant recited limitations in independent claim 13. As discussed above, the system in Inaba replaces a larger motor with two smaller motors that have their outputs connected together to drive a common device, e.g., the ball screw. Thus, there is nothing in Inaba or Beaverson that teaches inverter sections powering separate motors connected to separate compressors in separate refrigerant circuits. At best, it appears that Inaba could teach the replacement of the single motor in Beaverson with two motors powered the same drive. Applicant submits that this proposed combination would appear to require a second variable speed drive for the second refrigerant circuit. Applicant submits that Inaba is incapable of powering two motors each connected to a separate compressor as recited by Applicant in independent claim 13.

The Examiner is reminded that "[i]f the proposed modification or combination of the prior art would change the principle or operation of the prior art invention being modified, then the teachings of the references are not sufficient to render the claims *prima facie* obvious." See MPEP, Section 2143.01.

Applicant respectfully submits that the Examiner has reached his conclusion based on the teachings in Applicant's specification, which is impermissible hindsight reasoning by the Examiner.

In making the assessment of differences, section 103 specifically requires consideration of the claimed invention "as a whole." Inventions typically are new combinations of existing principles or features. *Envtl. Designs, Ltd. v. Union Oil Co.*, 713 F.2d 693, 698 [218 USPQ 865] (Fed. Cir. 1983) (noting that "virtually all [inventions] are combinations of old elements."). The "as a whole" instruction in title 35 prevents evaluation of the invention part by part. Without this important requirement, an obviousness assessment might break an invention into its component parts (A + B + C), then find a prior art reference containing A, another

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containing B, and another containing C, and on that basis alone declare the invention obvious. This form of hindsight reasoning, using the invention as a roadmap to find its prior art components, would discount the value of combining various existing features or principles in a new way to achieve a new result – often the very definition of invention.

Section 103 precludes this hindsight discounting of the value of new combinations by requiring assessment of the invention as a whole. This court has provided further assurance of an “as a whole” assessment of the invention under §103 by requiring a showing that an artisan of ordinary skill in the art at the time of invention, confronted by the same problems as the inventor and with no knowledge of the claimed invention, would select the various elements from the prior art and combine them in the claimed manner. In other words, the examiner or court must show some suggestion or motivation, before the invention itself, to make the new combination. See *In re Rouffet*, 149 F.3d 1350, 1355-56 [47 USPQ2d 1453] (Fed. Cir. 1998).

*Ruiz v. A.B. Chance Co.*, 69 USPQ2d 1686, 1690 (Fed. Cir. 2004).

Therefore, for the reasons given above, independent claim 13 is believed to be distinguishable from Inaba and/or Beaverson and therefore is not anticipated nor rendered obvious by Inaba and/or Beaverson.

Applicant submits that dependent claims 14-18 are distinguishable from Inaba and/or Beaverson for at least the following reasons. To begin, dependent claims 14-18 are believed to be distinguishable from Inaba and/or Beaverson as depending from what is believed to be an allowable independent claim 13 as discussed above. In addition, claims 14-18 recite further limitations that distinguish over the applied art.

In conclusion, it is respectfully submitted that claims 13-18 are not anticipated nor rendered obvious by Inaba and/or Beaverson and are therefore allowable.

#### **E. Rejection of claims 31 and 32**

The Examiner rejected claims 31 and 32 under 35 U.S.C. § 103(a) as being unpatentable over Inaba in view of Rose (U.S. Patent No. 2,442,021), hereafter referred to as “Rose.”

Applicants respectfully traverse the rejection of claims 31 and 32 under 35 U.S.C. § 103(a).

Inaba is directed to a mold clamping apparatus for use in an injection molding machine having a plurality of servomotors for synchronously drivingly rotating a ball screw as a spindle as discussed in greater detail above.

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Rose, as understood, is directed to a sectionalized variable speed drive. Rose discloses the use of multiple DC motors driving a common load, connected in an alternate series configuration and driven from parallel connected rectifiers composed of a circuit breaker, an auto-transformer to maintain maximum power factor at any speed, a double three phase converter transformer and make-alive type valves. Rose requires the use of a double three phase converter transformer which is interposed between the six valves and the autotransformer.

Applicant submits that dependent claims 31 and 32 are distinguishable from Inaba and/or Rose for at least the following reasons. To begin, dependent claims 31 and 32 are believed to be distinguishable from Inaba and/or Rose as depending from what is believed to be an allowable independent claim 19 as discussed above. Furthermore, there is nothing in Rose that teaches or suggests any of the limitations in independent claim 19 not taught or suggested by Inaba.

Therefore, in view of the above, dependent claims 31 and 32 are believed to be distinguishable from Inaba and/or Rose and therefore are not anticipated nor rendered obvious by Inaba and/or Rose. In addition, claims 31 and 32 recite further limitations that distinguish over the applied art. In conclusion, it is respectfully submitted that claims 31 and 32 are not anticipated nor rendered obvious by Inaba and/or Rose and are therefore allowable.

#### **F. Rejection of claims 31-34**

The Examiner rejected claims 31-34 under 35 U.S.C. § 103(a) as being unpatentable over Inaba in view of Kumar (U.S. Patent No. 5,896,021), hereafter referred to as "Kumar."

Applicants respectfully traverse the rejection of claims 31-34 under 35 U.S.C. § 103(a).

Inaba is directed to a mold clamping apparatus for use in an injection molding machine having a plurality of servomotors for synchronously drivingly rotating a ball screw as a spindle as discussed in greater detail above.

Kumar, as understood, is directed to the removal of moisture from induction motors. Kumar discloses the use of DC current or single phase AC current to provide a source of heat within a motor to prevent leakage currents to ground as a result of freezing and thawing conditions. Kumar includes the use of a single-phase transformer (note this is not an autotransformer, see col. 2, line 10) connected to a single-phase circuit breaker through a set of inductors to a converter.

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Applicant submits that dependent claims 31-34 are distinguishable from Inaba and/or Kumar for at least the following reasons. To begin, dependent claims 31-34 are believed to be distinguishable from Inaba and/or Kumar as depending from what is believed to be an allowable independent claim 19 as discussed above. Furthermore, there is nothing in Kumar that teaches or suggests any of the limitations in independent claim 19 not taught or suggested by Inaba.

Therefore, in view of the above, dependent claims 31-34 are believed to be distinguishable from Inaba and/or Kumar and therefore are not anticipated nor rendered obvious by Inaba and/or Kumar. In addition, claims 31-34 recite further limitations that distinguish over the applied art, e.g., the autotransformer of claim 32. In conclusion, it is respectfully submitted that claims 31-34 are not anticipated nor rendered obvious by Inaba and/or Kumar and are therefore allowable.

#### CONCLUSION

In view of the above, Applicant respectfully requests reconsideration of the Application and withdrawal of the outstanding objections and rejections. As a result of the amendments and remarks presented herein, Applicant respectfully submits that claims 1-34 are not anticipated by nor rendered obvious by Inaba, Kobayashi, Sood, the Japanese Publication, Beaverson, Rose, Kumar or their combination and thus, are in condition for allowance. As the claims are not anticipated by nor rendered obvious in view of the applied art, Applicant requests allowance of claims 1-34 in a timely manner. If the Examiner believes that prosecution of this Application could be expedited by a telephone conference, the Examiner is encouraged to contact the Applicant.

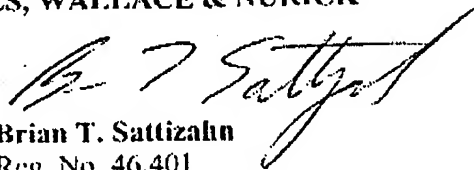


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The Commissioner is hereby authorized to charge any additional fees and credit any overpayments to Deposit Account No. 50-1059.

Respectfully submitted,  
**McNEES, WALLACE & NURICK**

By



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